UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,307	09/02/2003	Charles Cafrelli	03-793	2773

7590   09/24/2008

Richard A. Machonkin
McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago, IL 60606

EXAMINER
KHAKHAR, NIRAV K

ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
09/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 June 2008</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   Examiner acknowledges applicants' response, dated 24 June, 2008, including

the arguments presented therewith.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Oulid-Aissa, et

al., U.S. Pat. No. 5,687,363 (hereafter, "Oulid"), in view of Tso, et al., U.S. Pat. No.

6,385,602 (hereafter, "Tso").

As to **Claim 1**, Oulid discloses: a method for accessing information from an

overall collection of metadata records, wherein the overall collection includes a

local database of metadata records and a remote database of metadata records

(col. 3, lines 1 – 13, referring to remote and local databases of records), and

wherein each metadata record in the overall collection includes information

regarding a particular digital media source, the method comprising:

in response to user interaction with a user interface, identifying at least one selection criterion for selecting metadata records from the overall collection (col. 21, lines 46 – 49, referring to filtering criteria that are conditions applied to all records during searching);

retrieving a candidate set of metadata records from the remote database (col. 3, lines 1 – 13, referring to receiving data from remote sources);

identifying a remote set of metadata records in the candidate set that satisfy the at least one selection criterion (col. 21, lines 46 – 49, referring to filtering results based on search criteria);

identifying a local set of metadata records in the local database that satisfy the at least one selection criterion (col. 3, lines 1 – 13, referring to searching local resources, and col. 21, lines 46 – 49, referring to filtering results based on search criteria);

merging the remote set and the local set to produce a merged set of metadata records that satisfy the at least one selection criterion (col. 3, lines 1 – 13, referring to merging the remote and local search results); and

displaying selected information from at least one metadata record in the merged set (col. 21, lines 40 – 45, referring to passing merged result set to user).

Oulid does not appear to explicitly disclose: selecting N records.

Tso discloses: selecting N records (col. 4, lines 64 – 66, referring to the engine retrieving a specified minimum number of search results, where N reads on a minimum number of search results).

It would have been obvious to one having ordinary skill in this art at the time of the invention, having the teachings of Oulid and Tso before him/her, to have modified the system of Oulid with the minimum number of results from Tso, in order to adequately supply the user with search results.

3.   Claims 2, 3, 6, and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oulid, in view of Tso, as applied to Claim 1, further in view of Mastronardi, U.S. Pat. No. 6,346,951 (hereafter, "Mastronardi").

As to **Claim 2**, Oulid, as modified, does not appear to explicitly disclose the limitation of: displaying at least one artist name.

Mastronardi discloses: displaying at least one artist name (col. 6, lines 8 – 9, referring to a display section that shows the artist name or group, making the artist name one of the possible pieces of information about a record in a result set).

It would have been obvious to one having ordinary skill in this art at the time of the invention, having the teachings of Oulid, Tso, and Mastronardi before him/her, to have further modified the system of Oulid with the display of an artist name from Mastronardi, in order to make the artist name one of the possible pieces of information about a record in a result set.

As to **Claim 3**, Oulid, as modfied, does not appear to explicitly disclose the limitation of displaying at least one album title.

Mastronardi discloses: displaying at least one album title (col. 6, lines 5 – 7, referring to a display section that shows the album title, making the album title one of the possible pieces of information about a record in a result set).

It would have been obvious to one having ordinary skill in this art at the time of the invention, having the teachings of Oulid, Tso, and Mastronardi before him/her, to have further modified the system of Oulid with the display of an album title from Mastronardi, in order to make the album title one of the possible pieces of information about a record in a result set.

As to **Claim 6**, Oulid, as modified, does not appear to explicitly disclose the limitation of displaying at least one track name.

Mastronardi discloses displaying at least one track name (col. 1, lines 14 – 16, referring to displaying the titles of the works of music, making the song title one of the possible pieces of information about a record in a result set).

It would have been obvious to one having ordinary skill in this art at the time of the invention, having the teachings of Oulid, Tso, and Mastronardi before him/her, to have further modified the system of Oulid with the display of an song title from Mastronardi, in order to make the song title one of the possible pieces of information about a record in a result set.

As to **Claim 7**, Oulid, as modified, does not appear to explicitly disclose the

limitation of displaying at least one cover graphic.

Mastronardi discloses displaying at least one cover graphic (col. 6, lines 4 – 5,

referring to the display of an album cover graphic, making the cover one of the

possible pieces of information about a record in a result set).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso, and Mastronardi before

him/her, to have further modified the system of Oulid with the display of an cover

from Mastronardi, in order to make the cover one of the possible pieces of

information about a record in a result set.

4.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oulid, in

view of Tso, as applied to Claim 1, further in view of Proehl, et al., U.S. Pat. No.

6,118,450 (hereafter, "Proehl").

As to **Claim 4**, Oulid, as modified, does not appear to explicitly disclose the

limitation of: displaying at least one playlist title.

Proehl discloses: displaying at least one playlist title (Figs. 4 and 8, and col. 8,

lines 44 – 50, referring to the display of a playlist title, making the playlist title of

the possible pieces of information about a record in a result set).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso, and Proehl before him/her to

have further modified the system of Oulid with the display of playlist titles from

Proehl, in order to make the playlist title one of the possible pieces of information

about a record in a result set.

5.   Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Oulid, in

view of Tso, as applied to Claim 1, further in view of Teng, et al., U.S. Pat. No.

5,930,473 (hereafter, "Teng").

As to **Claim 5**, Oulid, as modified, does not appear to explicitly disclose the

limitation of displaying at least one movie title.

Teng discloses: displaying at least one movie title (col. 13, line 63 through col.

14, line 8, referring to the display of movie identification, making the movie title of

the possible pieces of information about a record in a result set).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso, and Teng before him/her, to

have further modified the system of Oulid with the display of movie titles from

Teng, in order to make movie titles one of the possible pieces of information

about a record in a result set.

6.   Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable

over Oulid, in view of Tso, as applied to Claim 1, in view of Wehmeyer, U.S. Pat. No.

6,031,795 (hereafter, "Wehmeyer").

As to **Claim 8**, Oulid, as modified, does not appear to explicitly disclose the

limitation of: selecting metadata records that fall within a consecutive range in the

overall collection based on a predetermined ordering method.

Wehmeyer discloses: selecting metadata records that fall within a consecutive

range in the overall collection based on a predetermined ordering method (col. 6,

lines 53 – 56, referring to a sorted list of results, allowing for efficiency in user

selection).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso and Wehmeyer before him/her,

to have further modified the system of Oulid with the use of an ordering method

from Wehmeyer, in order to increase the efficiency of user selections.

As to **Claim 9**, Oulid, as further modified, discloses alphabetic ordering based on

artist name followed by album name (Wehmeyer, col. 6, lines 53 – 56, referring

to alphabetical ordering of tracks).

7.   Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Oulid,

in view of Tso, furhter in view of Wehmeyer, yet further in view of Sampson, U.S. Pat.

No. 5,390,113 (hereafter, "Sampson").

As to **Claim 10**, Oulid, as modified, discloses identifying the candidate set based

on an initial search (Tso, col. 4, line 64 through col. 5, line 3, referring to further

searching being required beyond the first).

Oulid, as modified, does not appear to explicitly disclose the limitation of:

obtaining a sparse map of the remote database.

Sampson discloses: obtaining a sparse map of the remote database; and

identifying a result set based on the sparse map (col. 4, lines 41 – 43, referring to

a sparse matrix being used for searching for records, increasing the efficiency of

the searching process).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso, Wehmeyer, and Sampson

before him/her, to have yet further modified the system of Oulid with the use of a

sparse map from Sampson, in order to increase the efficiency of the searching

process.

8.   Claims 11 – 13 and 16 – 19 are rejected under 35 U.S.C. § 103(a) as being

unpatentable over Oulid, in view of Tso, Wehmeyer, Mastronardi, and Sampson.

As to **Claim 11**, Oulid discloses: a method for accessing information from an

overall collection of metadata records, wherein each metadata record in the

overall collection includes information regarding a particular digital media source,

and wherein the overall collection including a local database of metadata records

and a remote database of metadata records (col. 3, lines 1 – 13, referring to

remote and local databases of records), the method comprising:

in response to user interaction with a user interface, the user interface requesting

particular records (col. 21, lines 46 – 49, referring to filtering criteria that are

conditions applied to all records during searching);

identifying a candidate set of metadata records; retrieving the candidate set of

metadata records from the remote database; merging the remote set and the

local set to produce a merged set of metadata records (col. 3, lines 1 – 13,

referring to remote and local databases of records);

providing the merged set of metadata records to the user interface; the user

interface displaying selected information from at least one metadata record in the

merged set (col. 21, lines 40 – 45, referring to passing merged result set to user).

Oulid does not appear to explicitly disclose the limitations of: each metadata

record in the local database being associated with a local record number based

on its order in the local database and a collection record number based on its

order in the overall collection, each metadata record in the remote database

being associated with a remote record number based on its order in the remote

database and a collection record number based on its order in the overall

collection, the user interface requesting a specified range of N collection record

numbers, obtaining a sparse map of the remote database; identifying based on

the sparse map, identifying a remote set of metadata records in the candidate set

that have collection record numbers in the specified range; identifying a local set

of metadata records in the local database that have collection record numbers in

the specified range; or producing a set of N metadata records.

Tso discloses: producing a set of N metadata records (col. 4, lines 64 – 66,

referring to the engine retrieving a specified minimum number of search results,

where N reads on a minimum number of search results).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid and Tso before him/her to have

modified the system of Oulid with the minimum number of results from Tso, in

order to adequately supply the user with search results.

Oulid, as modified, does not appear to explicitly disclose: each metadata record

in the local database being associated with a local record number based on its

order in the local database and a collection record number based on its order in

the overall collection, each metadata record in the remote database being

associated with a remote record number based on its order in the remote

database and a collection record number based on its order in the overall

collection, the user interface requesting a specified range of N collection record

numbers, obtaining a sparse map of the remote database; identifying based on

the sparse map, identifying a remote set of metadata records in the candidate set

that have collection record numbers in the specified range; or identifying a local

set of metadata records in the local database that have collection record

numbers in the specified range.

Wehmeyer discloses: each metadata record in the local database being

associated with a local record number based on its order in the local database

and a collection record number based on its order in the overall collection, each

metadata record in the remote database being associated with a remote record

number based on its order in the remote database and a collection record

number based on its order in the overall collection (col. 1, lines 40 – 44, referring

to track numbers and slot numbers, track numbers reading on record numbers in

the local or remote databases, and combination of slot numbers and track

numbers reading on a record number in the overall collection).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso, and Wehmeyer before him/her,

to have further modified the system of Oulid with the use of an ordering method

from Wehmeyer, in order to increase the efficiency of user selections.

Oulid, as further modified, does not appear to explicitly disclose the limitations of:

the user interface requesting a specified range of N collection record numbers;

obtaining a sparse map of the remote database;

identifying a candidate set of metadata records based on the sparse map;

identifying a remote set of metadata records in the candidate set that have

collection record numbers in the specified range; or

identifying a local set of metadata records in the local database that have

collection record numbers in the specified range.

Mastronardi discloses: the user interface requesting a specified range of N

collection record numbers (col. 2, lines 26 - 32, referring to selection of records

based on index);

identifying a remote set of metadata records in the candidate set that have

collection record numbers in the specified range (col. 2, lines 26 - 32, referring to

a range of indexes); and

identifying a local set of metadata records in the local database that have

collection record numbers in the specified range (col. 2, lines 26 - 32, referring to

a range of indexes).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso, Wehmeyer, and Mastronardi

before him/her, to have yet further modified the system of Oulid with the display

of an cover from Mastronardi, in order to make the cover one of the possible

pieces of information about a record in a result set.

Oulid, as yet further modified, does not appear to explicitly disclose the

limitations of: obtaining a sparse map of the remote database; or

identifying a candidate set of metadata records based on the sparse map.

Sampson discloses: obtaining a sparse map of the remote database; and

identifying a candidate set of metadata records based on the sparse map (col. 4,

lines 41 – 43, referring to a sparse matrix being used for searching for records,

increasing the efficiency of the searching process).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso, Wehmeyer, Mastronardi, and

Sampson before him/her, to have yet further modified the system of Oulid with

the sparse mapping of Sampson, in order to increase the efficiency of the

searching process.

As to **Claim 12**, Oulid, as yet further modified, discloses: displaying at least one

artist name (Mastronardi, col. 6, lines 8 – 9, referring to a display section that

shows the artist name or group).

As to **Claim 13**, Oulid, as yet further modified, discloses: displaying at least one

album title (Mastronardi, col. 6, lines 5 – 7, referring to a display section that

shows the album title).

As to **Claim 16**, Oulid, as yet further modified, discloses: displaying at least one

track name (Mastronardi, col. 1, lines 14 – 16, referring to displaying the titles of

the works of music).

As to **Claim 17**, Oulid, as yet further modified, discloses: displaying at least one

cover graphic (Mastronardi, col. 6, lines 4 – 5, referring to the display of an album

cover graphic).

As to **Claim 18**, Oulid, as yet further modified, discloses: retrieving every S^{th}

metadata record in the remote database to obtain a sparse set of metadata

records (Sampson, col. 10, lines 39 – 52, referring to the retrieval of a flat file,

which is a slice of a 3-dimensional data structure, said slice reading on every S^{th}

record).

As to **Claim 19**, Oulid, as yet further modified, discloses: identifying a greatest

lower bound metadata record in the sparse set by identifying which metadata

record in the sparse set has the highest collection record number that does not

exceed the lowest collection record number in the specified range (Sampson, col.

10, lines 39 – 52, referring to tallying entries to an incremented summary); and

identifying a set of N+S consecutive remote record numbers, beginning with the

remote record number of the greatest lower bound metadata record (Sampson,

col. 10, lines 39 – 52, referring to variable-length combinations results).

9.   Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Oulid,

in view of Tso, Wehmeyer, Mastronardi, and Sampson, and further in view of Proehl.

As to **Claim 14**, Oulid, as modified, does not appear to explicitly disclose the

limitation of: displaying at least one playlist title.

Proehl discloses: displaying at least one playlist title (Figs. 4 and 8, and col. 8,

lines 44 – 50, referring to the display of a playlist title, making the playlist title of

the possible pieces of information about a record in a result set).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso, Wehmeyer, Mastronardi,

Sampson and Proehl before him/her to have further modified the system of Oulid

with the display of playlist titles from Proehl, in order to make the playlist title one

of the possible pieces of information about a record in a result set.

10.   Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Oulid,

in view of Tso, Wehmeyer, Mastronardi, and Sampson, and further in view of Teng.

As to **Claim 15**, Oulid, as modified, does not appear to explicitly disclose the

limitation of displaying at least one movie title.

Teng discloses: displaying at least one movie title (col. 13, line 63 through col.

14, line 8, referring to the display of movie identification, making the movie title of

the possible pieces of information about a record in a result set).

It would have been obvious to one having ordinary skill in this art at the time of

the invention, having the teachings of Oulid, Tso, Wehmeyer, Mastronardi,

Sampson and Teng before him/her, to have further modified the system of Oulid

with the display of movie titles from Teng, in order to make movie titles one of the

possible pieces of information about a record in a result set.

Response to Arguments

11.   Applicant's arguments filed 24 June, 2008, have been fully considered but they

are not persuasive. Accordingly, THIS ACTION IS MADE FINAL.

Applicants argue, regarding claim 1, that Oulid, as modified by Tso, fails to

disclose selecting N records. It is important to note that this limitation is not

rejected by Oulid or Tso individually, but both references in combination. The

issue is whether it would have been obvious to combine these two references to

anticipate this limitation.

Oulid discloses the identification of criteria for selecting any number of records

from a collection. Applicants do not dispute this fact. Tso discloses the taking

particular actions or omitting particular steps based on a threshold number of

returned results. The returning of any number of results from Oulid could

obviously have been modified by the threshold number of results from Tso.

Applicants' argument regarding claim 11 parallel their arguments regarding claim

1, which are addressed above.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NIRAV K. KHAKHAR whose telephone number is

(571)270-1004. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John R. Cottingham can be reached on (571) 272-7079. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L./   Nirav K Khakhar
Examiner, Art Unit 2169   Examiner
                                                           Art Unit 2167

/NK/

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167